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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/002,534   | 11/01/2001  | Tae-Sung Jung        | 678-768(P9939)      | 3265             |
| 28249  | 7590        | 04/25/2006           | EXAMINER            |                  |
| DILWORTH & BARRESE, LLP<br>333 EARLE OVINGTON BLVD.<br>UNIONDALE, NY 11553 |             |                      |                     | BLAIR, DOUGLAS B |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             | 2142                 |                     |                  |

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                              |                  |  |
|------------------------------|------------------------------|------------------|--|
| <b>Office Action Summary</b> | Application No.              | Applicant(s)     |  |
|                              | 10/002,534                   | JUNG, TAE-SUNG   |  |
|                              | Examiner<br>Douglas B. Blair | Art Unit<br>2142 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 March 2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Claims 1-8 are currently pending in this application.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,915,345 to Tummala et al..
4. Claims 1-8 are rejected for the same reasons presented in the last office action mailed 12/27/2005.

***Response to Arguments***

5. Applicant's arguments filed 3/29/2006 have been fully considered but they are not persuasive. The applicant argues that: (a) Tummala does not disclose a home agent that stores information about a VPN service for the mobile node, as claimed in claims 1 and 4; and (b) Tummala does not disclose a foreign agent that transmits data to an ISP router of a foreign agent when receiving a VPN service request; and (c) Tummala does not disclose an ISP server for IP tunneling between and ISP router of the FA and an ISP router of the VPN.

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6. As to point (a), the claim language of claims 1 and 4 does not limit the claim to storing location information on the home agent as the location of the storing action is never specified by the claim therefore the examiner's interpretation is appropriate. In other words, the claim does not state that the information cannot be stored separately but merely states that the location information is stored but never specifies where so therefore storing the location information in the AAA server reads on the applicant's invention as claimed.

7. As to point (b), Figure 4 shows communication over the Internet between the foreign agent and the home agent system. An ISP router is inherent to this communication because you cannot connect to the Internet without communicating through some form of ISP router so therefore Tummala reads on the claim language as broadly interpreted. Notice, there is nothing in the claim language detailing the communications between the foreign agent and the ISP router.

8. As to point (c), as discussed in above, the foreign agent system communicates over the Internet so therefore the foreign agent must have an ISP router to gain service to the Internet. An ISP router for the VPN is considered any router that the VPN uses to provide its service, therefore any ISP router used to connect the VPN is considered an ISP router of a VPN. The VPN taught by Tummala reads on the claim language because all VPN's tunnel through ISP routers.

### *Conclusion*

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

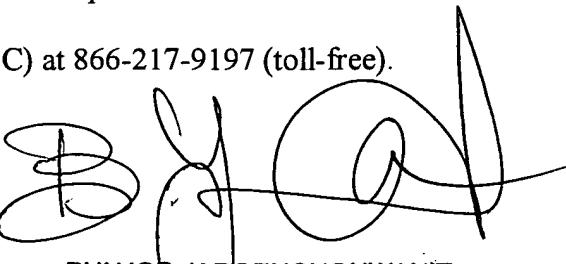
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair  
DBB



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER

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